

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KYLE BRANDON RICHARDS, #641715,

Plaintiff,

Case No. 12-11719

v.

Hon. Patrick J. Duggan

RICK SNYDER, DANIEL H. HEYNS,  
THE STATE OF MICHIGAN, and  
THE UNITED STATES OF AMERICA,

Defendants.

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**ORDER (1) DENYING PLAINTIFF LEAVE TO PROCEED  
WITHOUT PREPAYMENT OF THE FEES AND COSTS,  
(2) DISMISSING THE COMPLAINT WITHOUT PREJUDICE,  
AND (3) DENYING PLAINTIFF LEAVE TO PROCEED ON APPEAL  
WITHOUT PREPAYMENT OF THE FEES AND COSTS**

Kyle Brandon Richards (“Plaintiff”) is a state prisoner at Bellamy Creek Correctional Facility in Ionia, Michigan. He recently filed a *pro se* complaint for injunctive relief under 42 U.S.C. § 1983, naming as defendants: Rick Snyder, Governor of Michigan; Daniel H. Heyns, Director of the Michigan Department of Corrections; the State of Michigan; and the United States of America. In his complaint, Plaintiff seeks to charge the defendants with blasphemy for not making Wiccan resources available to all prisoners and not providing single inmates with social outlets to interact with single individuals of the opposite gender. Plaintiff also filed an application to proceed without prepayment of the fees and costs for this action.

Under the Prison Litigation Reform Act of 1995, a prisoner may not bring a civil

action or appeal without prepayment of the filing fee if, on three or more prior occasions while incarcerated or detained, the prisoner brought a federal action that was dismissed as frivolous, malicious, or for failure to state a claim on which relief may be granted. *See* 28 U.S.C. § 1915(g). An exception exists where the prisoner is “under imminent danger of serious physical injury.” *Id.*

A search of federal court records reveals that at least three of Plaintiff’s prior complaints have been dismissed for failure to state a claim. *See, e.g., Richards v. Fox 2 News, et al.*, No. 11-cv-15280 (E.D. Mich. Dec. 8, 2011); *Richards v. Smith, et al.*, No. 11-cv-10929 (E.D. Mich. May 16, 2011); *Richards v. United States, et al.*, No. 11-cv-15619 (E.D. Mich. Jan. 12, 2010). Plaintiff also has been put on notice that he has three strikes. *See Richards v. Spain, et al.*, No. 12-cv-10101 (E.D. Mich. Jan. 19, 2012). Nothing in the pending complaint suggests that he is in imminent danger of serious physical harm.

Accordingly,

**IT IS ORDERED** that Plaintiff may not proceed without prepayment of the filing fee for this action, and his application to proceed without prepayment of the fees and costs [Doc. 2] is **DENIED**;

**IT IS FURTHER ORDERED** that Plaintiff’s complaint [Doc. 1] is summarily **DISMISSED WITHOUT PREJUDICE** for failure to prepay the filing fee;

**IT IS FURTHER ORDERED** that, should Plaintiff appeal this decision, he must prepay the appellate filing fee because he is prohibited by 28 U.S.C. § 1915(g) from

proceeding without prepayment of the appellate fees and costs.

Dated: June 1, 2012

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copy to:  
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Bellamy Creek Correctional Facility  
1727 West Bluewater Highway  
Ionia, MI 48846